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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,891	01/18/2001	Me Van Le	155634-0012	9276

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EXAMINER
TRAN, THANG V

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/765,891	VAN LE ET AL.	
	Examiner	Art Unit	
	Thang V. Tran	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-12* is/are allowed.

6)☒ Claim(s) *13-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Original Patent

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Broader claims

2. Claims 13-31 are rejected under 35 U.S.C. 251 as being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee. A claim is broader in scope than the original claims if it contains within its scope any conceivable product or process which would have infringed the original patent. A claim is broadened if it is broader in any one respect even though it may be narrower in other respects.

Recapture

Claims 13 and 17 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Hester Industries, Inc.* v. *Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement,* 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp.* v. *United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to subject matter that applicant previously surrendered during the prosecution of the application. Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35 U.S.C. 251, and the broader scope surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

Claimed limitations in claims 13 and 17 respectively recapture broadened claimed limitations in claims 1 and 7 surrendered in the original application.

Specification

3. The disclosure is objected to because of the following informalities: The reference numbers shown in the respective disclosure of Fig. 4 are not corresponding to the reference numbers shows in Fig. 4 Appropriate correction is required.

New Matter

4. Claims 14-16, 18-20, 30 and 34 are rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought. The added material which is not supported by the prior patent is as follows: All the limitations or materials recited in claims 14-16, 18-20 or 30-31 are new matter added to the claims because these limitations or materials are not supported by the original disclosure.

Claim Rejections - 35 USC § 112

5. Claims 14-16, 18-20, 30 and 34 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matters related to the second dedicated track as now recited in claims 14, 16, 18 and 20, or related to the first dedicated track is maintenance track and the second dedicated track is data track as now recited in claims 15 and 19, or related to the limitation of comparing a read value with the varying burst profile to determine a position offset as now recited in claim 30 are not contained or described in the original specification. Claims 31 falls with its parent claim 30.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 13-21 and 22-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US 5,500,776).

Smith, according to Figs. 1-8, shows a disk drive for a disk comprising all the features of the instant claimed invention as interpreted as follow:

Regarding claim 13, see Figs. 2-4 of Smith which show a head (7) which contains a read element (6) and write element (5) that are separately by a position offset (see Fig. 3 or 4), and a disk (see Fig. 2) having a plurality of tracks each of which has a track centerline (105 or 107), the track including a first dedicated track that contains a position offset information (109 or offset information in area 111 or 112) aligned with the centerline (105 or 107) of the first dedicated track.

Regarding claim 14, see Figs. 1 and 2 which show a second dedicated track that including data area and servo area, and the data area having a centerline (105) offset from a centerline (107) of the servo area (see Fig. 2).

Regarding claim 15, see servo track having servo track centerline (107) as a first dedicated track and data track having data track centerline (105) as the second dedicated track.

Regarding claim 16, see the arrangement of servo burst 101, 102, 103 and 104 for the arrangement of A servo burst, B servo burst, C servo burst and D servo burst, as recited in this claim.

Regarding claim 17, see the rejection applied to claim 13 and further see Fig. 8 which further shows a spin motor (12) to which the disk is attached; and an actuator arm (13) to which the head (7) is coupled.

Regarding claim 18, see Figs. 1 and 2 which show a second dedicated track that including data area and servo area, and the data area having a centerline (105) offset from a centerline (107) of the servo area (see Fig. 2).

Regarding claim 19, see servo track having servo track centerline (107) as a first dedicated track and data track having data track centerline (105) as the second dedicated track.

Regarding claim 20, see the arrangement of servo burst 101, 102, 103 and 104 for the arrangement of A servo burst, B servo burst, C servo burst and D servo burst as recited in this claim.

Regarding claims 21, see Figs. 2-4 which shows a position offset information is written in area (111 or 112) of the first dedicated track by a write element (writer element 5) separated from the read element (6) and aligned at the center of the first dedicated track (see respective of Figs. 2-4.

Regarding claim 23, see servo burst 101, 102, 103 and 104 and their arrangement in Figs. 2-4 which are used to align the read element for reading position offset.

Regarding claim 24, see Figs. 2-4 of Smith which show a disk for a disk drive that has a head (7) which contains a read element (6) and write element (5) that are separately by a position offset (see Fig. 3 or 4), and wherein the disk (see Fig. 2) having a plurality of tracks each of which has a track centerline (107) and at least one of the tracks has a calibration burst (111 or 112) that provides a varying burst profile with peak (amplitude) value used to generate a position offset (see respective disclosure of Fig. 2).

Regarding claims 25-26, see the calibration burst (111 or 112) in Fig. 2 of Smith.

Regarding claim 27, see the arrangement of servo burst 101, 102, 103 and 104 for the arrangement of A servo burst, B servo burst, C servo burst and D servo burst as recited in this claim.

Regarding claim 28, see Figs. 2-8 of Smith which show a spin motor (142 to which a disk is attached; an actuator arm (13) to which a head (7) is coupled; and wherein the head (7) contains a read element (6) and write element (5) that are separately by a position offset (see Fig. 3 or 4), and the disk (see Fig. 2) having a plurality of tracks each of which has a track centerline (105 or 107) and at least one of the tracks has a calibration burst (111 or 112) that provides a varying burst profile with peak value (amplitude) used to generate a position offset.

Regarding claim 29, see the arrangement of servo burst 101, 102, 103 and 104 and the calibration burst (111 or 112).

Regarding claim 30, see Figs. 3-8 which describe the use of reading a calibration burst (111, 112) and comparing a read value (servo information) with the varying burst (servo offset) to determine a position offset (see claim 1, 11, 21 or 31).

Regarding claim 31, see servo burst 101, 102, 103 and 104 and their arrangement in Figs. 2-4 which are used to align the read element for reading position offset.

8. Claims 13, 17 and 21-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Valent (US 5,867,353).

Valent, according to Figs. 1 and 3-5, shows a disk drive and a disk comprising all the features of the instant claimed invention as interpreted as follow:

Regarding claim 13, see Figs. 3 and 5 of Valent which show a disk for a disk drive that has a head (20) which contains a read element (44) and write element (46) that are separately by a position offset (see Fig. 3), and wherein the disk (see Fig. 5) having a plurality of tracks each of which has a track centerline (CL) and the tracks including a first dedicated track that contained a position offset information (50-60) aligned with the centerline (CL) of the first dedicated track

Regarding claims 17, see the rejection applied to claim 13 and further see Fig. 1 which further shows a spin motor (14) to which the disk is attached; and an actuator arm (22) to which the head (20) is coupled.

Regarding claims 21, see Figs. 3-5 of Valent which shows a position offset information is written in area of the first dedicated track (see Figs. 3 and 5) by a write element (writer element 46) separated from the read element (44) and aligned at the center of the first dedicated track .

Regarding claim 22, see column 4, lines 8-23 for limitations recited in this claim.

Regarding claim 23, see servo bursts A-D and their arrangement in Fig. 5 which are used to align the read element for reading position offset.

Regarding claim 24, see Figs. 3 and 5 of Valent which show a disk for a disk drive that has a head (20) which contains a read element (44) and write element (46) that are separately by a position offset (see Fig. 3), and wherein the disk (see Fig. 5) having a plurality of tracks each of which has a track centerline (CL) and at least one of the tracks has a calibration burst (50-60) that provides a varying burst profile with peak value (see Figs. 4 and 5) used to generate a position offset.

Regarding claims 25-27, see Fig. 5 and its disclosure.

Regarding claim 28, see Figs. 1 and 4-5 of Valent which show a spin motor (14) to which a disk is attached; an actuator arm (22) to which a head (20) is coupled; and wherein the head (20) contains a read element (44) and write element (46) that are separately by a position offset (see Fig. 3), and the disk (see Fig. 5) having a plurality of tracks each of which has a track centerline (CL) and at least one of the tracks has a calibration burst (50-60) that provides a varying burst profile with peak value (see Figs. 4 and 5) used to generate a position offset.

Regarding claim 29, see the arrangement of bursts A- D in Fig. 5.

Regarding claim 30, see Figs. 3-5 of Valent which disclose the use of reading a calibration burst (50-60) which has a varying burst profile with a peak (see Fig. 4 and 5) on a track of a disk and a position offset is determined based on a read value and the varying burst profile (see column 3, line 10 through column 4, line 23) as recited in claim 30.

Regarding claim 31, see the read element (44) and servo bursts A-D in Fig. 5.

Allowable Subject Matter

9. Claims 1-12 are allowed over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach a diskor a hard disk drive including a disk including a combination of all features as recited in claim 1, lines 4-16, in claim 5, lines 8-20, or a method for calibrating and storing offset information including a combination of step (a) to step (d) as recited in claim 9. Claims 2-4, 6-8 and 10-12 are alloed with their respective parent claim.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Thang V. Tran
Primary Examiner
Art Unit 2653